

REMARKS

This is in response to the Official Action of May 12, 2005.

The indication of allowability of claims 5-10 on page 6 of the official action is acknowledged with appreciation. These claims have been rewritten in independent form (claim 5 by incorporation into claim 1) and allowance thereof is respectfully requested.

Newly presented claims 22-28 correspond to original claims 11-17, except that they depend from claim 6 rather than claim 1. These claims are added to complete the record, no new issues are raised, and entry thereof is respectfully requested.

Claims rejections—35 USC 102

Claims 1, 4, 11-13 and 19-20 stand rejected as anticipated in various prior art references. It is respectfully submitted that these rejections are all rendered moot by the amendment noted above, and respectfully submitted that these rejections may now be withdrawn.

Claim rejections—35 USC 112

Claims 13-21 stand rejected as lacking enablement, it being stated that the specification fails to provide sufficient support of the broad use of the compounds of claim 1. This rejection is respectfully traversed. First, it is well settled that evidence must be provided by the USPTO by which reason to doubt the objective enablement of the specification is established before an enablement rejection can be made. MPEP Section 2164.04. No such evidence is provided here. To the contrary, in this particular area, claim 14 of issued US Patent No. 6,566,393 (a parent patent which recites the use of related compounds in the treatment of like cancers), demonstrates that skilled persons skilled in the art would not be surprised to find compounds of the instant invention useful for treating cancer. Accordingly, it is respectfully submitted that this rejection should be withdrawn.

Claims 11 and 13 stand rejected in the use of the transitional term "comprising", it being stated that this term renders the claims indefinite. Applicants respectfully, but strenuously, disagree. The test of indefiniteness involves whether skilled persons would be able to determine whether or not they are practicing the claimed invention. The compound incorporated into the claims provides a clear indication thereof. No lack of clarity is raised by use of the term

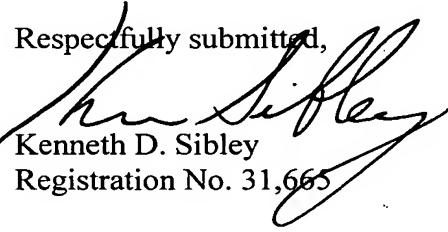
"comprising", and it is respectfully submitted that this rejection should be withdrawn.

Claims 1-5 and 11-20 stand rejected for obviousness-type double patenting over certain claims of US Patent No. 6,566,393 (a parent of the instant application). A terminal disclaimer is submitted concurrently herewith, and it is respectfully submitted that this rejection should be withdrawn.

It is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

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Respectfully submitted,


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